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ABSTRACT

One of the challenges facing school systems is creating an effective student handbook of current school policies. This report reviews the literature concerning federal and state statutes, district policies, and the professional literature concerning the implementation of a school wide discipline policy and plan that can be codified in a handbook. The three challenges to plan development are (1) developing student-centered policies, (2) clearly communicating the policies to students, parents, and staff, and (3) implementing established policies. Policies discussed include the discipline policy, weapons policy, conflict resolution and peer mediation policy. Also included are policies related to sexual harassment, substance abuse, the dress code, and school bus transportation. The report suggests guidelines for communication of policies, including following state and federal statute criteria, fitting policies with the district s mission and belief statements, and annually reviewing and adjusting policies to meet new needs and regulations. (Contains 24 references). (BGC)

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The Development of an Elementary School Student Handbook

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Introduction

Clear, effective policies are an integral part of a school system. Policies ensure a safe, secure environment and maintain an atmosphere conducive to learning. Schools face three challenges concerning district-wide policies. One of these is developing effective policies which are student-centered. The second is clearly communicating the policies to students, parents, and staff members using a variety of methods. The final challenge is implementing established policies to promote a healthy personal and academic environment for all learners. The literature will examine these challenges and legal issues concerning policy-making.

Definition of Terms

Gang - a group of youth which expresses association through clothing, symbols, insignia, and jargon who are involved in criminal behavior along with showing concern for turf.

Handbook - a booklet explaining school policies, procedures, and other pertinent information students need to know about their school.

Peer mediation - process by which people involved in a conflict come to a peaceful resolution with the assistance of a mediator.

Sexual violence - derogative behavior toward another; indecent exposure; inappropriate touching of another body; verbal or written obscene

comments or descriptions as defined by the Minnesota Department of Education.

Weapon - any instrument or paraphernalia capable of inflicting bodily harm or death.

Zero-tolerance - nonacceptance of any student behavior which disrupts or threatens regular functions of the school.

The Literature Review

Discipline Policy

Wheeler (1989) believes discipline is a constructive tool in the classroom and should be a key element in the education of a child. Discipline is a continuance of an adult's interest in a child's well-being. "Discipline is the limits set for a child so that he knows what's acceptable" (Holt, Ginott, Salk, & Barr cited in Wheeler, 1989, p.8).

Gushee (1984) states a school discipline policy is beneficial because it can help thwart and regulate student behavior. A clear, concise discipline policy informs students of expected and forbidden behaviors. When children are in an environment which is orderly, disciplined, and has logical consequences to situations, one can expect the children to behave in accordance with their environment.

Appropriate discipline does not constrict a child's natural curiosity and

spontaneity (Bossone cited in Wheeler, 1989). However, a complete discipline program will encourage positive attitudes and behaviors which create self-discipline (Pickering cited in Wheeler, 1989). In addition, Gaustad (1992) maintains a school discipline policy encourages responsible behavior, allows students to have a satisfying school experience, and curbs inappropriate behavior.

When developing a school discipline plan, a number of factors must be considered. The plan must be in accordance with state and federal statutes in addition to district policy. Relevant Supreme Court decisions must be studied and used as guiding standards when developing discipline policies (Gaustad, 1992). Research by Gushee (1984) shows the law is relative to discipline policy content and has forced schools to develop more concise and complete discipline plans.

Under Minnesota Statute § 120.06 the school board has the authority to develop sensible policies and procedures concerning student behavior and discipline. This policy must contain "written rules of conduct for pupils and grounds and procedures for removal of pupils from class" to comply with Minnesota Statute § 127.41 Subdivision 1 (Rupp, 1994, p.1).

Issues to be included in a district discipline policy are clearly defined under Minnesota law. School discipline policies must include the following

a) rules governing pupil conduct and procedures for informing pupils for the rules;

b) the grounds for removal of a pupil from class;

c) the authority of the classroom teacher to remove pupils from the classroom pursuant to procedures and rules established in the district's policy;

d) the procedures for removal of a pupil from a class by a teacher, school administrator, or other school district employee;

e) the period of time for which a pupil may be removed from a class, which may not exceed three class periods for a violation of a rule of conduct;

f) provisions relating to the responsibility for and custody of pupil removed from class;

g) the procedures for return of a pupil to the specified class from which the pupil has been removed;

h) the procedures for notifying pupils and parents or guardians of violations of the rules of conduct and of resulting disciplinary action;

i) any procedures determined appropriate for encouraging early involvement of parents or guardians in attempts to improve a pupil's behavior;

j) any procedures determined appropriate for encouraging early detection of behavioral problems;

k) any procedures determined appropriate for referring pupils in need of special education services to those services;

l) the procedures for consideration of whether there is a need for a further assessment or of whether there is a need for a review of the adequacy of a current Individual Education Plan of a pupil with a disability who is removed from class; and

m) procedures for detecting and addressing chemical abuse problems of pupils while on the school premises. Minnesota Statute § 127.41, Sub. 3 (Rupp, 1994, p.2)

Even though the law influences a discipline plan, it must be tailored to the individual goals and philosophies of the school district (Gaustad, 1992). In the past, suspension and corporal punishment were common practices in American schools. However, those forms of discipline have been criticized in recent years. Instead of focusing on punishment, critics suggest developing the school discipline plan through the use of preventive practices. Although there is no sound research showing preference of punitive over preventive methods, discipline plan developers must be directed by moral, legal, and practical considerations (Gushee, 1984).

Offenses must be clearly identified and classified according to severity. Gaustad (1992) suggests dividing offenses into the categories of minor infractions and major offenses with actual criminal offenses being reported to the police.

Even the best policy has limitations. How the policy is enforced is as important as what the policy says (Gushee, 1984). Once the policy is in place, offenders must be dealt with in a fair, consistent manner. This maintains students' respect for the discipline strategy. Consistency is easier to achieve if fewer individuals are responsible for policy execution (Gaustad, 1992).

Gaustad (1992) recommends the discipline policy be clearly communicated to students and parents through the use of newsletters, student assemblies, and handbooks. Gushee (1984) agrees a student handbook is a useful tool for informing students of the discipline policy.

In addition to having an established discipline policy, school administrators and licensed faculty are required by Minnesota Statute § 127.42 to annually review and assess the effectiveness of the policy (Rupp, 1994).

Weapons Policy

Talking, chewing gum, making noise, running in the hall, getting out of line, wearing improper clothing, and not putting paper in wastebaskets were considered the major school discipline problems in 1940. In contrast, rape,

robbery, assault, burglary, arson, murder, extortion, and gang warfare were considered the major school discipline problems in 1982 (Wheeler, 1989). Individuals under 18 years old are responsible for two-fifths of all arrests for larceny in the United States. Girls account for 20% of juvenile court cases handled in America (Ratter & Giller cited in Houston & Grubaugh, 1989).

Due to this increase of violence in the schools, new rules concerning weapons have been developed. Schools need to provide a safe environment for their students. A simple solution to ensure this happens is a zero-tolerance discipline policy. A student possessing a weapon may not intend to hurt someone; however, the physical presence of a weapon is a hazard. Therefore, many policies use exclusion from school as a consequence of violating this policy (O'Connor, 1994).

Consequences for bringing weapons to school have become more harsh due to new state and federal legislation. Minnesota Statute § 609.713 prohibits possession of a replica firearm or BB gun on school grounds. The definition of replica firearm was broadened to include:

> a device or object that is not defined as a dangerous weapon, and that is a facsimile or toy version of, and reasonably appears to be a pistol, revolver, shotgun, sawed off shotgun, rifle, machine gun, rocket launcher, or any other firearm. Minnesota Statute § 609.713, Sub. 3 (b)

(Rupp, 1994, p. 5).

The Gun Free Schools Act of 1994 affects the severity of punishment for students who bring weapons to school and has financial consequences for the school district. This act

> requires school districts to have in effect a policy requiring the expulsion from school for a period of not less than one year of any student who brings a weapon to school. Implementation of the policy is a condition of receiving federal funding.
>
> Under the Gun Free School Act, a 'weapon' is defined as:
>
> a) Any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (Rupp, 1994, p. 5).
>
> b) the frame or receiver of any such weapon.
>
> c) any firearm muffler or firearm silencer; or
>
> d) any destructive device.
>
> The term 'destructive device' means:
>
> a) any explosive, incendiary, or poison gas (i) bomb, (ii) grenade, (iii) rocket having a propellant charge of more than four ounces, (iv) missile having an explosive or incendiary charge of more than one-quarter ounce, (v) mine, or (vi) device similar to any of the devices described in

the preceding clauses;

b) any type of weapon (other than a shotgun or shotgun shell which the Secretary finds is generally recognized as particularly suitable for sporting purposes)...which will, or which may be readily converted to expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and

c) any combination of parts either designed or intended for use in converting any device into any destructive device described in subparagraph (A) or (B) and from which a destructive device may be readily assembled.

The term "destructive device" does not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device;...18 United States Code (U.S.C.) § 921.

The definition of a 'weapon' under the Gun Free School Act is more restrictive than the definition of a 'replica firearm' under Minnesota Statute § 609.66. Accordingly, a student could bring a replica firearm onto school grounds which violates Minnesota Statute § 609.66, and be guilty of a felony without being subject to the one year minimum

expulsion policy imposed by the Gun Free Schools Act.

The Gun Free Schools Act grants schools some discretion in enforcing the policy. The Act states that the policy may allow the chief administrating officer of the agency to modify such expulsion requirement for a student on a case by case basis 20 U.S.C. § 3351.

To maintain eligibility to receive federal funds under the Elementary and Secondary Education Act, districts must implement the required policy. Future applications for assistance under the Elementary and Secondary Act must contain an assurance that the policy is in effect. In addition, future applications must include a description of the circumstances surrounding any expulsion imposed under the policy; including: (1) the name of the school involved; (2) the number of students expelled from the school; and (3) the type of weapons involved. 20 U.S.C. § 3351 (Rupp, 1994, p. 6).

For the state to continue to receive Federal funding under the Elementary and Secondary Education Act of 1965 (ESEA), an expulsion policy for students who bring weapons to school must be in effect by October 20, 1995. The law requires an expulsion period of not less than one year. However, each independent chief administering officer may alter this requirement to each individual situation (Payzant, 1995).

Policies that are clearly stated and well-publicized act as a safeguard against legal challenges. Legal cases involving controversial policies have been settled in favor of the school when a concise policy is in place (Frels et al. cited in Gaustad, 1993).

In the summer of 1994, the Rosemont-Apple Valley-Eagan School District 196 adopted a zero-tolerance weapon policy. Since this policy has been in place, nine students have been expelled. District 196 has been involved in a legal case challenging their policy. Paul Bifulk, a 12 year-old student at Scott Highlands Middle School in Apple Valley, took a pocket knife to school. Although his intention was to intimidate a student who had been teasing him, he was suspended for 15 days. On December 12, the District 196 school board voted to expel Bifulk until February 1, 1995. In response to this action, Joseph and Violet Bifulk filed suit in U.S. District Court to have their son reinstated to school (Lerner, 1994).

Even though Joseph and Violet Bifulk read and signed the District 196 zero-tolerance weapons policy, they believed the policy dealt with guns rather than knives (O'Connor, 1994). Although the word knife is not specifically mentioned, the policy does prohibit look-alike weapons and those capable of producing severe bodily harm (Lerner, 1994). U.S. District Judge Michael J. Davis concurred with school officials that a knife is a dangerous weapon

(Lerner, 1994).

On Monday, December 19, 1994, Judge Davis ruled District 196 had acted properly in the expulsion of Paul Bifulk for violating the zero-tolerance policy (Lerner, 1994). Frederick Finch, the family's lawyer, stated an appeal would be made to the State Commission of Education to reinstate Paul Bifulk to school. Discussions will be held to determine if an appeal will be filed.

Conflict Resolution/Peer Mediation

Student conflicts and attempts to resolve them have always been a part of a school teacher's day. Students traditionally handled conflicts with others by shouting. In recent years, the shouting matches have escalated into shooting matches. An example of this is the shooting death of a seven year old girl by a nine year old boy because she claimed to be the better Nintendo player. In response to being slapped by a fellow classmate, a twelve year old triggered a semi-automatic pistol on the playground. The need for students to deal with school-based disputes has urged educators to introduce more effective and appropriate methods for peaceful resolutions. Conflict resolution or peer mediation is an avenue for students to voice their disagreements and come to a win/win situation (Williams, 1991).

Schools have reported astounding results using peer mediation. For example, a New York City school confirmed a 50% decrease in suspensions

for fighting and 93 of 116 mediations concluded in agreements. Within two years of using the program, fighting incidents declined from 83 to 19 in a Hawaiian high school (Koch, 1988).

Mt. Diablo High School initiated conflict resolution during the 1981-82 school year. Due to a staff transfer, the program was dropped for the 1983-84 academic year. The reinstatement of this program was viewed as a major concern by both staff and students. Since the program has been reinstated, a 67% reduction of student conflicts has been reported (Faconti & Hagerstrand, 1987).

According to Davis and Porter (1985), violence, vandalism, chronic school absence, along with suspension has been reduced through the use of peer mediation or conflict resolution. It prepares students to live in a multi-cultural world and be more responsible citizens through the use of human relations skills.

Sexual Harassment

In a 1993 American Association of University Women survey by Louis Harris and Associates, 89% of students report having been victims of sexual harassment. "Of these students, 86% girls and 71% boys have been targeted by a current or former student at school" (Storaasli & Kronzer, 1994, p. 1). In the survey, "54% of girls and 40% of boys first experienced sexual

harassment in middle school/junior high year of 6th to 9th grade" (Storaasli & Kronzer, 1994, pg.1). Sexual comments, gestures, grabbing, pinching and/or brushing up against in a sexual way were examples of sexual harassment reported by 57-76% of the girls and 36-56% of the boys surveyed. This harassment was reported to have taken place in a variety of areas in and around the school. The highest percentages of incidences took place in the hallway and classroom (Storaasli & Kronzer, 1994). These alarming statistics present a strong case for a policy dealing with sexual harassment.

Minnesota Statute § 127.46 states all Minnesota school boards must establish a written sexual, religious, and racia harassment policy. A sexual, religious, and racial violence policy must also be adopted. Policies are required to include reporting procedures and disciplinary actions for violations of the policy. To comply with state law, these policies must be clearly displayed in every school building. The policies need to be included in the school student handbook as well as discussed with students and employees (Rupp, 1994). In agreement, Lunsen (1992) suggests reviewing policies with students, posting procedures on school bulletin boards, and including them in student handbooks. These are effective methods of publicizing an adopted policy.

Substance Abuse

School districts establish policies dealing with a variety of topics in order to provide a positive and safe environment for their students. School personnel are aware of substance abuse problems among students and by having a substance abuse policy, the public is informed of this awareness and the school's commitment to work toward a solution (Gaustad, 1993).

In 1986, the U.S. Department of Education recommended "school officials establish clear, consistently enforced drug-abuse policies that specify drug offenses, consequences (including notification of police), and procedures. Security measures should be implemented to eliminate drugs from school premises and school functions" (Barrett, 1986, no page number).

Research by Gaustad (1993) found students from schools having clear substance abuse and alcohol policies were less likely to experiment or use alcohol or drugs. Although a policy doesn't eliminate substance use or abuse, it provides a basis for encouraging a drug-free lifestyle.

Another avenue for promoting a drug-free lifestyle is setting guidelines as well as limits on students' apparel worn to school and school-related activities. Granada Huntley - East Chain School District #2356 does not allow students to wear clothing which "indicates an activity that is illegal for school-aged youth (smoking, drinking, drugs, etc.)" (Bathke, 1995, p.2).

Dress Code

Many people view the wearing of clothing as a form of expression which is protected under the constitution. School districts developing dress codes use the standards set by the Spence test to determine if a freedom of speech violation has occurred. Two criteria must be met in order to determine if the clothing worn secures the freedom of speech. "First, there must be an intent to convey a particularized message. Second, it must be likely that the message would be understood by those who view it" (Spence v. Washington, cited in Rupp, 1994, p. 8).

Even though free speech is a right, children need to learn how to make appropriate judgements on the language skills and be educated on the social limits of its use. Offensive speech has no place in the school environment. Likewise, apparel with slogans and illustrations bearing offensive messages are forms of harassment and therefore are prohibited. Students wearing offensive apparel must exchange the item for another or turn it inside out (Bathke, 1995).

Bunz (1991), suggests administrators determine what gang-related clothing should be prohibited. In most cases there is not a ban on particular clothing or colors, rather on the way the items are worn or displayed. Students have been willing to follow this dress code standard with minimal

refusals. According to Cantrell and Cantrell (1993), dress code policies should prohibit gang identifiers.

Handkerchiefs, specific colored shoelaces, heavy gold jewelry, and distinctive dress identifies and promotes gang membership. Bryant (cited in Gaustad, 1990), recommends implementing a gang prevention program early on in the elementary school in order to hinder gang influences. An important element in this prevention program is the discussion of gang-related clothing.

Dress codes also help eliminate problems between rival groups by not allowing gang-associated clothing. Some California school systems have banned gang-related items such as hats, gloves, bandanas, and clothing associated with the Blood and Crips gangs (Stover, 1990). Although Minnesota has no case law pertaining to gang-related clothing, if the school district can prove disruptions were caused by gang-related attire, their policy should be protected by the constitution (Rupp, 1994).

In addition to having dress code policies dealing with gang-related clothing, schools must set standards for students which "forces them to dress in a way that helps them respect themselves and their schools - creating a better environment for discipline and learning" (Stover, 1990, p.26). Clothing portraying obscene slogans and gestures or which is vulgar and sloppy is not permissible. Banning expensive jewelry and designer clothing promotes

student safety and alleviates the possibility of them being a victim of violent theft (Stover, 1990).

Furthermore, some schools have adopted school uniforms in order to circumvent as well as deter conflict among students. School uniforms and rigid dress codes eliminate the opportunity for students to dress according to current fashionable trends and decrease socio-economical discrimination (Stover, 1990). According to Gluckman (cited in Stover, 1990), courts support the right of a school district to develop a dress code policy as long as "it is based upon a clear educational rationale" (p.27).

School Bus Transportation

In 1994, the Minnesota Legislature determined that riding on a school bus is considered a privilege rather than a right. Minnesota Statute § 123.801 states

> A student's eligibility to ride a school bus may be revoked for a violation of school bus safety or conduct policies, or for violation of any other law governing student conduct on a school bus, pursuant to a written school district discipline policy (Daly, 1994, p.10).

Each family is given a copy of the school bus and bus stop rules. Parents and guardians are requested to become familiar with the information as well as review it with their children. Supporting the policies and recognizing their

responsibility for their children's actions are ways parents and guardians convey the importance of transportation safety (Gramse & Beaton, 1994).

Policy Communication

Once policies are in place and compiled in a student handbook, they must be communicated effectively to students and parents. A method commonly used to accomplish this is the student and parents must state in writing they have reviewed the school policy handbook. Parent-teacher conferences are another avenue for communicating this information. Following the policy guarantees a consistent process between district sites and in the event of staff changes (Gaustad, 1993).

In conclusion, the literature suggests the following guidelines for developing and communicating policies. First, state and federal statutes set criteria and define components which must be in local school district policies. Second, policies must coincide with the district's mission and belief statements, which are incorporated in the school's educational philosophy. Policies also must be annually reviewed and adjusted to reflect new regulations and the ever-changing needs of the educational system. Finally, having clear, concise, stated policies serve as a safeguard against legal challenges.

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